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10/574,293	03/31/2006	Zhi Wang	42P21032	7051
45209	7590	08/19/2009	EXAMINER	
INTEL/BSTZ			BENGZON, OREG C	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP			ART UNIT	
1279 OAKMEAD PARKWAY			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/574,293

Applicant(s)

WANG ET AL.

Examiner

GREG BENZON

Art Unit

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This application has been examined. Claims 1-18 are pending. Claims 19-22 are cancelled.

Making Final

Applicant's arguments filed 07/12/2006 have been fully considered but they are not persuasive.

The claim amendments regarding -- *'wherein the flow control comprises at least determining whether the server device has sufficient resources to satisfy the request based on a block size corresponding to the request and an available bandwidth, and sending an error packet to the first client device if the server does not have sufficient resources to satisfy the request'* -- alter the scope of the claims but do not overcome the disclosure by the prior art as applied in the prior Office Action, as shown below.

The Examiner is maintaining the rejection(s) using the same grounds for rejection and thus making this action FINAL.

Response to Arguments

Applicant's arguments filed 04/16/2009 have been fully considered but they are not persuasive.

The Examiner acknowledges the amendments to the Specification regarding the computer-readable medium. The USC 101 rejection is withdrawn.

Priority

This application claims benefits of priority from PCT Application PCT/CN05/0026 filed March 5, 2005.

The effective date of the claims described in this application is March 5, 2005.

Information Disclosure Statement

The Applicant is respectfully reminded that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in 37 CFR 1.56.

There were no information disclosure statements filed with this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2,4-5,7-9,11-12, 14-15,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riedle (US Patent 6983334) further in view of Paek (US Publication 2005/0177625) further in view of Miller1 (US Patent 6151696) further in view of Miller2 (US Patent 5920701).

Riedle disclosed (re. Claim 1) a method comprising: receiving a request from a first client device to multicast a file as a plurality of packets of data from a server device to multiple client devices; (Riedle-Column 1 Lines 35-55) transmitting the plurality of packets of data from a server to the multiple client devices using a multicast trivial file transfer protocol (TFTP); (Riedle-Column 1 Lines 35-55)

While Riedle substantially disclosed the claimed invention Riedle did not disclose (re. claim 1) applying, by the server, one or more flow control techniques not defined by the multicast TFTP.

Paek disclosed (re. Claim 1) applying, by the server, one or more flow control techniques not defined by the multicast TFTP. (Paek-Figure 4, Paragraph 122)

Riedle and Paek are analogous art because they present concepts and practices regarding flow control using TFTP. At the time of the invention it would have been obvious to combine Paek into Riedle. The motivation for said combination would have been to enable a broadcasting function, which allows files to be transferred through broadcast when multiple clients simultaneously request file transmission to one server, resulting in a simple operation as compared to using multicast. (Paek-Paragraph 32)

While Riedle-Paek substantially disclosed the claimed invention Riedle-Paek did not disclose (re. Claim 1) *wherein the flow control comprises at least determining whether the server device has sufficient resources to satisfy the request based on a block size corresponding to the request and an available bandwidth, and sending an error packet to the first client device if the server does not have sufficient resources to satisfy the request*

Miller1 disclosed (re. Claim 1) *wherein the flow control comprises at least determining whether the server device has sufficient resources to satisfy the request based on a block size corresponding to the request (Miller-Column 10 Lines 40-55) and an available bandwidth (Miller-Figure 4, Column 8 Lines 1-5).*

Miller1 disclosed a flow control method for data transmission wherein the block sizes are determined along with the transmission rate in order to regulate the transmission flow.

Furthermore Miller2 disclosed (re. Claim 1) *sending an error packet to the first client device if the server does not have sufficient resources to satisfy the request* (Miller2-Column 12 Lines 10-25)

Riedle, Paek, Miller are analogous art because they present concepts and practices regarding flow control for multicasting. At the time of the invention it would have been obvious to combine Riedle-Paek into the disclosure by Miller. The motivation for said combination would have been to enable flow control at the replicated servers which account for availability of resources required to transmit a certain amount of data indicated in the transmission request. (Miller-Column 3 Lines 45-55)

Claim 8 (re. server) is rejected on the same basis as Claim 1.

Claim 14 (re. computer-readable media) is rejected on the same basis as Claim 1.

Claim 19 (re. system) is rejected on the same basis as Claim 1.

Riedle-Paek-Miller1-Miller2 disclosed (re. Claim 2,9,15,20) delaying a start of the transmission of the plurality of packets. (Paek-Figure 4, Paragraph 122)

Riedle-Paek- Miller1-Miller2 disclosed (re. Claim 4,11, 17,21) modifying quality of service based, at least in part, on resource conditions. (Riedle-Column 8 Lines 15-55)

Riedle-Paek-Miller1-Miller2 disclosed (re. Claim 5,12) wherein modifying the quality of service comprises one or more of: modifying block size (Riedle-Column 8 Lines 15-25,'*group size adjusted dynamically*') and modifying timeout length. (Paek-Paragraph 111-113)

Riedle-Paek-Miller1-Miller2 disclosed (re. Claim 7) retransmitting a most recently transmitted packet in response to receiving an unexpected packet. (Riedle-Column 11 Lines 10-20)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3,6, 10,13,16,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riedle (US Patent 6983334) further in view of Paek (US Publication

2005/0177625) further in view of Miller1 (US Patent 6151696) further in view of Miller2 (US Patent 5920701) further in view of Xu (US Publication 2007/0198737).

While Riedle-Paek-Miller1-Miller2 substantially disclosed the claimed invention Riedle-Paek did not disclose (re. Claim 3,10, 16) determining whether a request to download the file is a subject of an existing multicast download session; and causing the multiple client devices to join an existing multicast group corresponding to the existing multicast download session.

Xu disclosed (re. Claim 3,10, 16) determining whether a request to download the file is a subject of an existing multicast download session; and causing the multiple client devices to join an existing multicast group corresponding to the existing multicast download session. (Xu-Paragraph 15-16, Paragraph 89)

Riedle,Paek,Miller and Xu are analogous art because they present concepts and practices regarding flow control using multicasting protocols. At the time of the invention it would have been obvious to combine Xu into Riedle-Paek-Miller. The motivation for said combination would have been to enable conferencing data to be re-transmitted to a child computer system via uni-cast when it is indicated that a multi-cast packet is not received. (Xu-Paragraph 14)

Riedle-Paek-Miller1-Miller2-Xu disclosed (re. Claim 6,13,18) reducing a packet transmission rate. (Xu-Paragraph 99)

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the enclosed PTO-892 form.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREG BENGZON whose telephone number is (571)272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. B./
Examiner, Art Unit 2444
/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2444